



**U.S. Department of Justice**

Civil Division

Federal Programs Branch

20 Massachusetts Avenue, N.W.  
Washington, D.C. 20530

Kristina A. Wolfe  
Trial Attorney

Tel: (202) 353-4519  
kristina.wolfe@usdoj.gov

January 18, 2018

The Honorable Andrew L. Carter, Jr.  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 435  
New York, NY 10017

**Re: NAACP Legal Defense & Educational Fund, Inc., et al. v. Donald J. Trump, et al.,  
No. 17-cv-05427 (ALC)**

Dear Judge Carter:

Defendants respectfully write to update the Court on the status of their discussions with counsel for plaintiffs since filing notice of the Commission's dissolution. On January 3, 2018, defendants notified the Court that the President had signed an Executive Order terminating the Presidential Advisory Commission on Election Integrity ("Commission"). *See* Letter from C. Federighi to Judge Carter (Jan. 3, 2018), ECF No. 86; *see also* Executive Order No. 13,820, 83 Fed. Reg. 969 (Jan. 3, 2018). Defendants also noted that they would confer with counsel for the plaintiffs about next steps for moving forward.

Defendants subsequently submitted the Second Declaration of Charles C. Herndon in *Dunlap v. Presidential Advisory Commission on Election Integrity*, No. 17-cv-2361 (CKK) (D.D.C.) (hereinafter "Second Herndon Decl.") (attached as Exhibit A), informing the *Dunlap* court that the "state voter data has never been transferred to, or accessed or utilized by, the Department of Homeland Security ('DHS') or any other agency[,]" and "will not be transferred to, or accessed or utilized by, DHS or any other agency, except to the National Archives and Records Administration ('NARA'), pursuant to federal law, if the records are not otherwise destroyed." Second Herndon Decl. ¶ 4. The declaration also makes clear that the "Commission did not create any preliminary findings." *Id.* ¶ 5. Defendants provided counsel for plaintiffs a copy of the Second Herndon Declaration on January 10, 2018.

Undersigned counsel for defendants and counsel for plaintiffs are currently discussing next steps for moving forward.

Respectfully submitted,

/s/ Kristina A. Wolfe

ELIZABETH J. SHAPIRO

CAROL FEDERIGHI

KRISTINA A. WOLFE

JOSEPH E. BORSON

United States Department of Justice

Civil Division, Federal Programs Branch

20 Massachusetts Avenue, N.W.

Washington, DC 20530

Phone: (202) 353-4519

Email: kristina.wolfe@usdoj.gov

*Counsel for Defendants*

CC: Counsel of Record (by ECF)